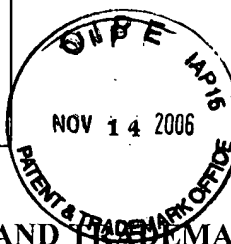


I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 596703483 US, on the date shown below in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: November 14, 2006 Signature: \_\_\_\_\_

(Lori Sims)



Docket No.: 252312007900  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

Vibeke STRAND et al.

Confirmation No.: 8533

Application No.: 10/748,541

Art Unit: 1644

Filed: December 29, 2003

Examiner: G. Ewoldt

For: METHODS OF IMPROVING HEALTH-  
RELATED QUALITY OF LIFE IN  
INDIVIDUALS WITH SYSTEMIC  
LUPUS ERYTHEMATOSUS

**RESPONSE TO RESTRICTION/ELECTION OF SPECIES REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Restriction/Election of Species Requirement set forth in the Office Action mailed October 5, 2006 (Paper No. 906), for which a response was due on November 5, 2006. Filed herewith is a Petition and fee for a one (1) month extension of time, thereby extending the deadline for response to December 5, 2006. Accordingly, this response is timely filed.

Applicants hereby elect Group I (claims 1-38 and 40) for continued examination.

The Examiner has stated that claims 1-38 and 40 (Group I) are "drawn to a method of stabilizing or improving the quality of life in an SLE patient comprising administering a dsDNA epitope to said patient." Applicants note that claim 18 is directed to a method of stabilizing or improving the health-related quality of life of an individual with systemic lupus erythematosus

(SLE), comprising reducing the level of circulating anti-dsDNA antibodies in the individual, wherein the reduction of the level of circulating anti-dsDNA antibodies in the individual results in a stabilization or improvement of the health-related quality of life in the individual. Claims 19-38 depend from claim 18.

Applicants' election of Group I is made without traverse, although Applicants disagree with the Examiner's characterization of claim 39 as encompassing a method of treatment that "recites no actual methods steps nor any particular reagents and thus comprises an omnibus type claim" and as "comprising administering an unspecified treatment."

Applicants further elect the following species: a dsDNA epitope which comprises a double-stranded polynucleotide 5'-GTGTGTGTGTGTGTGTGTGT-3' (SEQ ID NO:1) in combination with its complementary strand. All claims are readable on the elected species.

Applicants also elect the following species: a dsDNA epitope which is administered in the form of a conjugate such as that set forth in claim 7. All claims are readable on the elected species.

Applicants respectfully disagree with the Examiner's statement that "a naked ssDNA epitope would be highly unstable whereas a dsDNA conjugate would likely be highly stable."

Applicants' election is made without prejudice. Applicants expressly reserve Applicants' right under 35 U.S.C. § 121 to file a divisional application directed to the non-elected subject matter during the pendency of this application, or an application claiming priority from this application.

Applicants request examination of the elected subject matter on the merits.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 252312007900. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: November 14, 2006

Respectfully submitted,

By

  
Alicia J. Hager

Registration No.: 44,140

MORRISON & FOERSTER LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
(650) 813-4296